

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF FIRST KENTUCKY CELLULAR)	
CORP., A DELAWARE CORPORATION D/B/A)	
CELLULAR TELEPHONE COMPANY OF KENTUCKY,)	
FOR THE ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO PRO-)	CASE NO. 91-247
VIDE DOMESTIC PUBLIC CELLULAR RADIO)	
TELECOMMUNICATIONS SERVICE TO THE PUBLIC)	
IN THE KENTUCKY RURAL SERVICE AREA WHICH)	
INCLUDES BELL, CLAY, HARLAN, KNOX, LESLIE)	
AND WHITLEY COUNTIES IN KENTUCKY, AND FOR)	
THE ESTABLISHMENT OF INITIAL RATES)	

O R D E R

On July 22, 1991, First Kentucky Cellular Corp. ("First Kentucky") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications system for the Rural Service Area No. 11 ("RSA No. 11") in Kentucky and to establish initial rates. RSA No. 11 includes Whitley, Knox, Clay, Leslie, Harlan, and Bell counties in Kentucky. First Kentucky has requested authorization to construct four cell sites, referred to as the Gray, Corbin, Williamsburg, and Saxton cell sites.

The proposed Gray cell site consists of a 264 foot antenna tower to be located at Gilliam Mountain, 1 1/4 miles North of U.S. 25E, 8 miles from Corbin in Gray, Knox County, Kentucky. The proposed Corbin cell site consists of a 278 foot antenna tower to be located at 3315 Cumberland Falls Highway, 0.15 miles West of I-75 in Corbin, Kentucky. The proposed Williamsburg cell site

consists of a 200 foot antenna tower to be located at King Mountain Street, 1 1/2 miles from Williamsburg in Williamsburg, Whitley County, Kentucky. The proposed Saxton cell site consists of a 364 foot antenna tower to be located at 200 Bunker Hill Road, 0.6 miles East of I-75 and 0.4 miles from Saxton in Saxton, Whitley County, Kentucky.

On August 28, 1991, the Commission ordered First Kentucky to file additional information. First Kentucky filed its response on October 16, 1991, and included in its response a request that approval of the Gray and Saxton Cell Sites be deferred pending completion of the tower designs for those locations.

First Kentucky has provided information regarding the structure of the towers, safety measures, and antenna design criteria for the Corbin and Williamsburg cell sites. Based upon the application, the towers and foundation design appear to meet the criteria of the Building Officials and Code Administrators International, Inc. (BOCA) National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the proposed cell sites' construction is exempt from local zoning ordinances. However, First Kentucky has notified the Knox County and Whitley County Judge/Executives of its proposed construction. The Judge/Executives have responded to First Kentucky, confirming the exemption. First Kentucky has filed applications with the Federal Aviation Administration ("FAA"), the Kentucky Airport Zoning Commission ("KAZC"), and the Federal Communications Commission

seeking approval for construction and operation of the proposed cell sites. These applications have been approved, with the exception of FAA's approval for the Corbin cell site which is still pending, and KAZC's approval for the Williamsburg cell site which is not required since its height is below 201 feet. First Kentucky filed an affidavit verifying that each resident/property owner whose property lies within 500 feet of the proposed cell sites has been notified. The notice, which was mailed on August 21, 1991, solicited comments from the residents and property owners and informed them of their right to intervene. No comments were received.

First Kentucky also requested, pursuant to KRS 278.300, authorization to execute a line of credit issued by NovAtel Finance. Drawdowns will be used to construct the proposed cellular telephone system in RSA No. 11. The Commission finds that this proposed financing is for a lawful object within the corporate purpose of First Kentucky, is consistent with the proper performance by First Kentucky of its service to the public and will not impair its ability to perform that service, and is reasonably necessary and appropriate for such purpose. In response to the Commission's Order dated August 8, 1991, First Kentucky filed a revised tariff. The Commission finds that this tariff is reasonable and should be approved.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that:

1. First Kentucky be and it hereby is granted a Certificate of Public Convenience and Necessity to operate a cellular telecommunications system in the RSA No. 11.

2. First Kentucky be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate 2 cellular telecommunications antenna towers at the Corbin and Williamsburg cell sites in the RSA No. 11 at the locations and within the heights described above.

3. First Kentucky's revised tariff be and it hereby is approved. Within 30 days from the date of this Order, First Kentucky shall file its tariff sheets in accordance with 807 KAR 5:011.

4. First Kentucky shall file a separate application for a Certificate of Public Convenience and Necessity to construct and operate cellular antenna towers at the Gray and Saxton cell sites at such time as the tower designs for those locations have been completed.

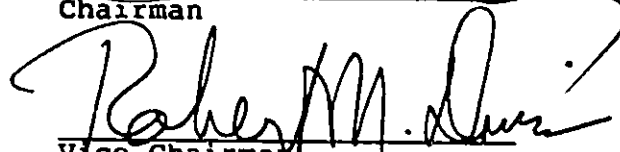
5. First Kentucky Cellular be and it hereby is granted authority to assume a line of credit in accordance with the terms and conditions as fully specified in the application, and proceeds shall be used only for the lawful purposes specified.

Nothing contained herein shall be construed as a finding of value for any purpose or as a warranty on the part of the Commonwealth of Kentucky or any agency thereof as to the securities authorized herein.

Done at Frankfort, Kentucky, this 18th day of November, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director